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| 10/726,304      | 12/01/2003  | Yasushi Sano         |                     | 3107             |

Yasushi Sano  
2-854-1-110, Ohnomachi  
Ichikawa city, Chiba, 272-0805  
JAPAN

7590

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EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/726,304

**Applicant(s)**

SANO, YASUSHI

**Examiner**

Thomas A. Hollweg

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 2-3 and 5-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 17, 2009.

### ***Claim Objections***

2. The following claims are objected to because of the following informalities:
- a. Claims 1 and 4, applicant refers to the front panel as "this front panel" and "the above mentioned front panel." Although these conventions for referring to previously mentioned elements is not incorrect, for simplicity "the" or "said" is preferred over "above mentioned." For example, for second and subsequent references to the front panel, "the front panel" or "said front panel" may be used.
  - b. Claims 1 and 4, "above-mentioned front panel surface" lacks antecedent basis. Either "a surface of the front panel" or "a front panel surface" may be used.
  - c. Claim 1, "the electric discharge cell" lacks antecedent basis.
  - d. Claims 1 and 4, "the above mentioned sustain scan electrode" lacks antecedent basis." Either "the two or more sustain scan electrodes" or "one of the two or more sustain scan electrodes" may be used.
  - e. Claim 4, the phrase "a number of two or more" is awkward and confusing.
  - f. Claim 4, the phrase "the above mentioned black ground layer is applied to make the above mentioned black ground layer" redundant.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Koshio et al., U.S. Patent No. 6,465,956 B1.**

5. **With regard to claim 1**, in figure 2, Koshio discloses a PDP, which has a front panel (10) and a back panel (13), which is set at a fixed distance from this front panel (10); the front panel (10) has two or more sustain scan electrodes (X, Y) arranged in parallel on the above-mentioned front panel (10) surface, two or more data electrodes (D) arranged in the direction which crosses over the above mentioned sustain scan electrodes (X, Y), and two or more partitions (15) that are arranged between the above mentioned front panel (10) and the above mentioned back panel (13) in order to divide the electric discharge cell (S); the above mentioned sustain scan electrode (X, Y) has a transparent electrode (Xa, Ya) and a bus electrode (Xb, Yb) arranged on the above mentioned transparent electrode (Xa, Ya); the above mentioned bus electrode (Xb, Yb) is formed sequentially from the side that touches the above mentioned transparent electrode (Xa, Ya) with a double layer composition of black ground layer (Xb', Yb') and non black electric conduction layer (Xb'', Yb'') (col. 7, line 23 – col. 8, line 67).

6. The Examiner notes that the claim limitation "the above mentioned bus electrode is formed by first exposing light on a black color positive type photosensitive paste by using the above mentioned non black conduction layer as a pattern formation mask, and secondly the above mentioned paste is applied to make the above mentioned black ground layer" is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation has been considered, but not patentably distinct over Koshio (see MPEP 2113). The Examiner notes further that Koshio discloses/teaches that the above mentioned bus electrode is formed by first exposing light on a black color positive type photosensitive paste by using the above mentioned non black conduction layer as a pattern formation mask, and secondly the above mentioned paste is applied to make the above mentioned black ground layer (col. 7, lines 58-67).

7. **With regard to claim 4**, in figure 2, Koshio discloses a PDP, which has a front panel (10) and a back panel (13), which is set at a fixed distance from this front panel (10); the front panel (10) has a number of two or more sustain scan electrodes (X, Y) arranged in parallel on the above-mentioned front panel (10) surface, two or more data electrodes (D) arranged in the direction which crosses over the above mentioned sustain scan electrodes (X, Y), and two or more partitions (15) that are arranged between the above mentioned front panel (10) and the above mentioned back panel (13) in order to divide the electric discharge cell (S); the above mentioned sustain scan

electrode (Xb, Yb) is formed sequentially from the side that touches the above mentioned front panel (10) with a double layer composition of black ground layer (Xb', Yb') and non black electric conduction layer (Xb", Yb") (col. 7, line 23 – col. 8, line 67).

8. The Examiner notes that the claim limitation "the above mentioned sustain scan electrode is formed by first exposing light on a black color positive type photosensitive paste by using the above mentioned non black conduction layer as a pattern formation mask, and secondly the above mentioned black ground layer is applied to make the above mentioned black ground layer" is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation has been considered, but not patentably distinct over Koshio (see MPEP 2113). The Examiner notes further that Koshio discloses/teaches that the above mentioned sustain scan electrode is formed by first exposing light on a black color positive type photosensitive paste by using the above mentioned non black conduction layer as a pattern formation mask, and secondly the above mentioned black ground layer is applied to make the above mentioned black ground layer (col. 7, lines 58-67).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571)

270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/NIMESHKUMAR D. PATEL/  
Supervisory Patent Examiner, Art Unit 2879